

**Senate File 162 - Introduced**

SENATE FILE 162

BY McCOY

**A BILL FOR**

1 An Act relating to state and school antibullying policies,  
2 establishing a school climate technical assistance office,  
3 and providing for the establishment of a school climate and  
4 bullying advisory committee.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256.9, Code 2015, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 66. By January 1, 2016, update the  
4 department's policies relating to bullying and advise the  
5 state board on any necessary updates to the department's rules  
6 adopted pursuant to chapter 17A relating to bullying. For  
7 purposes of this subsection, "*bullying*" means the same as  
8 defined in section 280.28, subsection 2.

9 Sec. 2. NEW SECTION. 256.100 School climate technical  
10 assistance office.

11 1. For purposes of this section, "*bullying*" means the same  
12 as defined in section 280.28, subsection 2.

13 2. A school climate technical assistance office is  
14 established in the department to assist school districts and  
15 accredited nonpublic schools in providing a safe and supportive  
16 learning environment and foster academic achievement for all  
17 students by focusing on prevention, intervention, support, and  
18 recovery efforts to develop and maintain safe and supportive  
19 schools. The office shall be responsible for coordination of  
20 state and department efforts to facilitate positive school  
21 climates in public and accredited nonpublic schools. The  
22 office shall solicit input from social media experts in  
23 implementing this section.

24 3. The office shall provide the following services:

25 a. Compiling and making available to schools evidence-based  
26 practices and resources to develop and maintain safe and  
27 supportive schools.

28 b. Establishing and maintaining a central repository for  
29 collecting and analyzing information about bullying including  
30 but not limited to:

31 (1) Training materials on strategies and techniques to  
32 prevent and appropriately address bullying.

33 (2) Model programming to promote improving the school  
34 climate and prevent bullying.

35 (3) Remedial responses to bullying consistent with section

1 280.28.

2 (4) Other resources for improving the school climate and  
3 preventing bullying.

4 *c.* Assisting schools to develop strategies and techniques  
5 for effectively communicating with and engaging parents in  
6 efforts to protect and deter students from bullying.

7 *d.* Reviewing, developing, and disseminating of  
8 evidence-based policies relating to improving the school  
9 climate and preventing bullying.

10 *e.* Single, point-of-contact services designed for schools,  
11 parents, and students seeking information or other help  
12 relating to improving the school climate and preventing  
13 bullying.

14 *f.* Qualitative and quantitative data gathering,  
15 interpretation, and dissemination of summary data for existing  
16 reporting systems and student surveys and the identification  
17 and pursuit of emerging trends and issues relating to improving  
18 the school climate and preventing bullying.

19 *g.* Assisting schools in using student survey results to  
20 inform intervention and prevention programs.

21 *h.* Education and skill building relating to improving the  
22 school climate and preventing bullying.

23 *i.* Multisector and multiagency planning and advisory  
24 activities incorporating best practices and research relating  
25 to improving the school climate and preventing bullying.

26 Sec. 3. NEW SECTION. 256.101 School climate and bullying  
27 advisory committee.

28 1. The school climate technical assistance office, at the  
29 direction of the director, shall establish a school climate  
30 and bullying advisory committee to enhance statewide school  
31 climate and bullying prevention, awareness, and intervention  
32 and provide the necessary resources for such efforts.

33 2. The advisory committee shall be a public-private  
34 collaboration of initiatives across state and local agencies,  
35 community groups, and organizations and shall have as voting

1 members one representative of each of the following, appointed  
2 by the director in consultation with the applicable entity or  
3 group:

- 4     *a.* The department of human rights.
- 5     *b.* The state of Iowa youth advisory council.
- 6     *c.* The area education agency boards.
- 7     *d.* The Iowa state education association.
- 8     *e.* The school administrators of Iowa.
- 9     *f.* The Iowa association of school boards.
- 10    *g.* Iowa safe schools.
- 11    *h.* The Iowa school counselor association.
- 12    *i.* The Iowa chapter of the national association of social  
13 workers.
- 14    *j.* The interfaith alliance of Iowa.
- 15    *k.* The American civil liberties union of Iowa.
- 16    *l.* Disability rights Iowa.
- 17    *m.* The international bullying prevention association.
- 18    *n.* The Olweus bullying prevention program of Iowa.
- 19    *o.* Positive behavior interventions and supports personnel.
- 20    *p.* A regents institution professor who has conducted  
21 research focused on bullying prevention, intervention, and  
22 evaluation.
- 23    *q.* The Iowa Catholic conference.
- 24    *r.* The Iowa association of Christian schools.
- 25    *s.* An Iowa mental health association.
- 26    *t.* A parent advocate.
- 27    3. In addition to the voting members, the advisory committee  
28 membership shall include four members of the general assembly  
29 with one member designated by each of the following: the  
30 majority leader of the senate, the minority leader of the  
31 senate, the speaker of the house of representatives, and the  
32 minority leader of the house of representatives. A legislative  
33 member serves for a term as provided in section 69.16B in an ex  
34 officio, nonvoting capacity.
- 35    4. The advisory committee shall provide research and make

1 recommendations to school districts and accredited nonpublic  
2 schools regarding best practices to improve school climate and  
3 enhance bullying prevention, awareness, and intervention.

4 5. The advisory committee shall provide research and make  
5 recommendations to the state board regarding proposed rules  
6 pursuant to chapter 17A to administer section 280.28.

7 6. The advisory committee shall submit a report to the  
8 general assembly every two years beginning January 1, 2016,  
9 regarding school climate and bullying prevention. The report  
10 shall include an assessment of data reported from schools,  
11 recommended training for administrators and school employees,  
12 and policy recommendations to improve school climate in this  
13 state.

14 7. Members of the council shall receive actual and necessary  
15 expenses incurred while attending any meeting of the council  
16 and may also be eligible to receive compensation as provided in  
17 section 7E.6. All expense moneys paid to the nonlegislative  
18 members shall be paid from funds appropriated to the division.  
19 Legislative members shall receive compensation as provided in  
20 sections 2.10 and 2.12.

21 8. Vacancies in the membership of the committee shall be  
22 filled in the manner of the original appointments.

23 Sec. 4. Section 280.12, subsection 2, paragraph f, Code  
24 2015, is amended to read as follows:

25 *f.* ~~Harassment or bullying~~ Bullying prevention goals,  
26 programs, training, and other initiatives.

27 Sec. 5. Section 280.28, Code 2015, is amended to read as  
28 follows:

29 **280.28 ~~Harassment and bullying~~ Bullying prohibited — policy**  
30 **— immunity.**

31 1. *Purpose — findings — policy.* The state of Iowa is  
32 committed to providing all students with a safe and civil  
33 school environment in which all members of the school community  
34 are treated with dignity and respect. The general assembly  
35 finds that a safe and civil school environment is necessary

1 for students to learn and achieve at high academic levels.  
 2 ~~Harassing and bullying~~ Bullying behavior can seriously disrupt  
 3 the ability of school employees to maintain a safe and civil  
 4 environment, and the ability of students to learn and succeed.  
 5 Therefore, it is the policy of the state of Iowa that school  
 6 employees, volunteers, and students in Iowa schools shall not  
 7 engage in ~~harassing or~~ bullying behavior.

8 2. *Definitions.* For purposes of this section, unless the  
 9 context otherwise requires:

10 a. (1) "Bullying" means any unwanted aggressive behavior  
 11 toward another student who is not a sibling, which involves  
 12 an observed or perceived power imbalance, which is repeated  
 13 or is likely to be repeated, which is based on any actual  
 14 or perceived trait or characteristic of the student or any  
 15 other reason, and which meets one or more of the following  
 16 conditions:

17 (a) Places the student in reasonable fear of harm to the  
 18 student's person or property.

19 (b) Has a substantially detrimental effect on the student's  
 20 physical or mental health.

21 (c) Has the effect of materially or substantially  
 22 interfering with a student's educational opportunities or  
 23 education performance or ability to participate in school  
 24 functions or activities or receive school benefits, services,  
 25 or privileges.

26 (2) "Bullying" may include but is not limited to making  
 27 threats, spreading rumors, attacking a student physically or  
 28 verbally, or intentionally excluding a student from a group.

29 a. b. "Electronic" means any communication involving the  
 30 transmission of information by wire, radio, optical cable,  
 31 electromagnetic, or other similar means. "Electronic" includes  
 32 but is not limited to communication via electronic mail,  
 33 internet-based communications including social networking  
 34 sites, pager service, cell phones, and electronic text  
 35 messaging, or any other electronic communication site, device,

1 or means.

2 ~~*b.* "Harassment" and "bullying" shall be construed to mean~~  
 3 ~~any electronic, written, verbal, or physical act or conduct~~  
 4 ~~toward a student which is based on any actual or perceived~~  
 5 ~~trait or characteristic of the student and which creates an~~  
 6 ~~objectively hostile school environment that meets one or more~~  
 7 ~~of the following conditions:~~

8 ~~(1) Places the student in reasonable fear of harm to the~~  
 9 ~~student's person or property.~~

10 ~~(2) Has a substantially detrimental effect on the student's~~  
 11 ~~physical or mental health.~~

12 ~~(3) Has the effect of substantially interfering with a~~  
 13 ~~student's academic performance.~~

14 ~~(4) Has the effect of substantially interfering with~~  
 15 ~~the student's ability to participate in or benefit from the~~  
 16 ~~services, activities, or privileges provided by a school.~~

17 *c.* "Power imbalance" means the use of power, including  
 18 but not limited to physical strength, access to embarrassing  
 19 information, or social popularity, to control or harm another  
 20 student. A power imbalance between students may change over  
 21 time and in different situations.

22 ~~*e.*~~ *d.* *"Trait or characteristic of the student"* includes but  
 23 is not limited to age, color, creed, national origin, race,  
 24 religion, marital status, sex, sexual orientation, gender  
 25 identity, physical attributes, physical or mental ability or  
 26 disability, ancestry, political party preference, political  
 27 belief, socioeconomic status, or familial status.

28 ~~*d.*~~ *e.* *"Volunteer"* means an individual who has regular,  
 29 significant contact with students.

30 3. *Policy.* On or before September 1, 2007, the board of  
 31 directors of a school district and the authorities in charge of  
 32 each accredited nonpublic school shall adopt a policy declaring  
 33 ~~harassment and bullying~~ in schools, on school property, and at  
 34 any school function, or school-sponsored activity regardless  
 35 of its location, in a manner consistent with this section, as

1 against state and school policy. The board and the authorities  
2 shall update the policy on or before January 1, 2016. The  
3 board and the authorities shall make a copy of the policy  
4 available to all school employees, volunteers, students, and  
5 parents or guardians and shall take all appropriate steps  
6 to bring the policy against ~~harassment and~~ bullying and the  
7 responsibilities set forth in the policy to the attention  
8 of school employees, volunteers, students, and parents or  
9 guardians. Each policy shall, at a minimum, include all of the  
10 following components:

11     a. A statement declaring ~~harassment and~~ bullying to be  
12 against state and school policy. The statement shall include  
13 but not be limited to the following provisions:

14         (1) School employees, volunteers, and students in  
15 school, on school property, or at any school function or  
16 school-sponsored activity shall not engage in ~~harassing and~~  
17 bullying behavior.

18         (2) School employees, volunteers, and students shall not  
19 engage in reprisal, retaliation, or false accusation against a  
20 victim, witness, or an individual who has reliable information  
21 about such an act of ~~harassment or~~ bullying.

22     b. A definition of ~~harassment and~~ bullying as set forth in  
23 this section.

24     c. A description of the type of behavior expected from  
25 school employees, volunteers, parents or guardians, and  
26 students relative to prevention measures, reporting, and  
27 investigation of ~~harassment or~~ bullying.

28     d. The consequences and appropriate remedial action for a  
29 person who violates the ~~antiharassment and~~ antibullying policy.

30     e. A procedure for reporting a school employee, volunteer,  
31 student, parent or guardian, or any other person to report an  
32 act of ~~harassment or~~ bullying, including the identification  
33 by job title of the school official responsible for ensuring  
34 that the policy is implemented, and the identification of the  
35 person or persons responsible for receiving and investigating



1 reports of ~~harassment or~~ bullying. The procedure shall include  
2 a process to submit a report anonymously and with protection  
3 from retaliation.

4 f. A requirement that a school employee report in a timely  
5 and responsive manner any act of bullying that the school  
6 employee witnesses or is aware of to the school official  
7 responsible for receiving reports of bullying.

8 ~~f.~~ g. A procedure for the prompt investigation of  
9 complaints, either identifying the school superintendent or  
10 the superintendent's designee as the individual responsible  
11 for conducting the investigation, including a statement that  
12 investigators will consider the totality of circumstances  
13 presented in determining whether conduct objectively  
14 constitutes ~~harassment or~~ bullying under this section.

15 ~~g.~~ h. A statement of the manner in which the policy will  
16 be publicized.

17 4. *Programs encouraged.* The board of directors of a school  
18 district and the authorities in charge of each accredited  
19 nonpublic school are encouraged to establish programs designed  
20 to eliminate ~~harassment and~~ bullying in schools. To the extent  
21 that funds are available for these purposes, school districts  
22 and accredited nonpublic schools shall do the following:

23 a. Provide training on ~~antiharassment and~~ antibullying  
24 policies to school employees and volunteers who have  
25 significant contact with students.

26 b. Develop a process to provide school employees,  
27 volunteers, and students with the skills and knowledge, based  
28 on research-based best practices, to help reduce incidents of  
29 ~~harassment and~~ bullying. Such training shall include but not  
30 be limited to training based on the needs identified by the  
31 data analysis and survey required by subsection 6.

32 5. *Immunity.* A school employee, volunteer, or student, or  
33 a student's parent or guardian who promptly, reasonably, and in  
34 good faith reports an incident of ~~harassment or~~ bullying, in  
35 compliance with the procedures in the policy adopted pursuant

1 to this section, to the appropriate school official designated  
 2 by the school district or accredited nonpublic school, shall  
 3 be immune from civil or criminal liability relating to such  
 4 report and to participation in any administrative or judicial  
 5 proceeding resulting from or relating to the report.

6     6. *Collection requirement.* The board of directors of  
 7 a school district and the authorities in charge of each  
 8 nonpublic school shall develop and maintain a system to collect  
 9 ~~harassment and~~ bullying incidence data. The board and the  
 10 authorities shall analyze the data and shall survey school  
 11 employees, volunteers, students, and parents or guardians to  
 12 identify professional development and training needs relating  
 13 to the school's antibullying policy.

14     7. *Integration of policy and reporting.* The board of  
 15 directors of a school district and the authorities in charge of  
 16 each nonpublic school shall integrate its ~~antiharassment and~~  
 17 antibullying policy into the comprehensive school improvement  
 18 plan required under section 256.7, subsection 21, and shall  
 19 report data collected under subsection 6, as specified by the  
 20 department, to the local community.

21     8. *Authority on and off school grounds.* Each school district  
 22 and accredited nonpublic school shall have the authority and  
 23 responsibility to impose reasonable and educationally based  
 24 discipline, consistent with a student's constitutional rights,  
 25 for bullying that occurs on or is perceived on school property  
 26 or occurs at a school-sponsored activity or event on or off  
 27 school property, or occurs off school property or outside of a  
 28 school-sponsored activity or event if the behavior meets one of  
 29 more of the following conditions:

30     a. Interferes with a student's educational opportunities.

31     b. Creates a hostile environment for a student.

32     c. Substantially disrupts the orderly operations of the  
 33 school or a school-sponsored activity or event.

34     ~~8.~~ 9. *Existing remedies not affected.* This section  
 35 shall not be construed to preclude a victim from seeking

1 administrative or legal remedies under any applicable provision  
2 of law.

3 EXPLANATION

4 The inclusion of this explanation does not constitute agreement with  
5 the explanation's substance by the members of the general assembly.

6 This bill establishes a school climate technical assistance  
7 office in the state department of education. The office shall  
8 assist school districts and accredited nonpublic schools in  
9 providing a safe and supportive learning environment and  
10 fostering academic achievement for all students by focusing  
11 on prevention, intervention, support, and recovery efforts to  
12 develop and maintain safe and supportive schools. The office  
13 shall be responsible for coordination of state and department  
14 efforts to facilitate positive school climates in public and  
15 accredited nonpublic schools. The office shall solicit input  
16 from social media experts in implementing the bill.

17 The bill provides duties of the office, including compiling  
18 and making available to schools evidence-based practices  
19 and resources to develop and maintain safe and supportive  
20 schools, establishing and maintaining a central repository  
21 for collecting and analyzing information about bullying, and  
22 assisting schools to develop strategies and techniques for  
23 effectively communicating with and engaging parents in efforts  
24 to protect and deter students from bullying.

25 The bill directs the school climate technical assistance  
26 office, at the direction of the director of the department  
27 of education, to establish a school climate and bullying  
28 advisory committee. The advisory committee shall enhance  
29 statewide school climate and bullying prevention, awareness,  
30 and intervention and provide the necessary resources for such  
31 efforts. The advisory committee shall be a public-private  
32 collaboration of initiatives across state and local agencies,  
33 community groups, and organizations. The bill provides for  
34 the voting membership of the committee and for nonvoting  
35 legislative members.

1     The advisory committee shall provide research and make  
2 recommendations to school districts and accredited nonpublic  
3 schools regarding best practices to improve school climate  
4 and enhance bullying prevention, awareness, and intervention.  
5 The advisory committee shall provide research and make  
6 recommendations to the state board of education regarding  
7 proposed administrative rules to administer the state  
8 antibullying law. The advisory committee shall submit a  
9 biennial report to the general assembly beginning January 1,  
10 2016, regarding school climate and bullying prevention.

11     The bill requires the director of the department of  
12 education to update the department's policies relating to  
13 bullying and advise the state board of education on any  
14 necessary updates to the department's administrative rules  
15 relating to bullying.

16     The bill makes various changes to Code section 280.28, the  
17 state antibullying law.

18     The bill strikes the current definition of "harassment" and  
19 "bullying" and provides instead a definition of "bullying".  
20 The bill strikes references to harassment in Code section  
21 280.28. The bill defines bullying as any unwanted aggressive  
22 behavior toward another student who is not a sibling, which  
23 involves an observed or perceived power imbalance, which is  
24 repeated or is likely to be repeated, which is based on any  
25 actual or perceived trait or characteristic of the student  
26 or any other reason, and which meets one or more of certain  
27 conditions. The bill specifies that bullying may include but  
28 is not limited to making threats, spreading rumors, attacking  
29 a student physically or verbally, or intentionally excluding  
30 a student from a group. The bill defines "power imbalance"  
31 as the use of power, including but not limited to physical  
32 strength, access to embarrassing information, or social  
33 popularity, to control or harm another student. The bill  
34 specifies that a power imbalance between students may change  
35 over time and in different situations.

1 The bill modifies the definition of "electronic" by adding  
2 any other electronic communication site, device, or means to  
3 the definition and by including social networking sites as part  
4 of the term "internet-based communications".

5 The bill requires the board of directors of a school district  
6 and the authorities in charge of each accredited nonpublic  
7 school to update the district's or school's antibullying policy  
8 on or before January 1, 2016.

9 The bill requires such policies to include a procedure for  
10 a school employee, volunteer, student, parent or guardian,  
11 or any other person to report an act of bullying, including  
12 the identification by job title of the school official  
13 responsible for ensuring that the policy is implemented, and  
14 the identification of the person or persons responsible for  
15 receiving and investigating reports of bullying. The procedure  
16 must include a process to submit a report anonymously and with  
17 protection from retaliation.

18 The bill requires that such policies include a requirement  
19 that a school employee report in a timely and responsive manner  
20 any act of bullying that the school employee witnesses or is  
21 aware of to the school official responsible for receiving  
22 reports of bullying.

23 The bill requires school districts and accredited nonpublic  
24 schools, to the extent that funds are available, to develop a  
25 process to provide school employees, volunteers, and students  
26 with the skills and knowledge, based on research-based best  
27 practices, to help reduce incidents of bullying. Such training  
28 shall include but not be limited to training based on the needs  
29 identified by the data analysis and survey required by Code  
30 section 280.28, subsection 6.

31 Current law requires the board of directors of a school  
32 district and the authorities in charge of each nonpublic school  
33 to develop and maintain a system to collect bullying incidence  
34 data. The bill requires the board and the authorities to  
35 analyze the data and to survey school employees, volunteers,

1 students, and parents or guardians to identify professional  
2 development and training needs relating to the school's  
3 antibullying policy.

4     The bill provides that each school district and accredited  
5 nonpublic school shall have the authority and responsibility  
6 to impose reasonable and educationally based discipline,  
7 consistent with a student's constitutional rights, for bullying  
8 that occurs on or is perceived on school property or occurs at  
9 a school-sponsored activity or event on or off school property,  
10 or occurs off school property or outside of a school-sponsored  
11 activity or event if the behavior meets one or more of certain  
12 conditions.